IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION NO.4186 OF 2005.

IN

FIRST APPEAL NO.441 OF 1997.

Shri Faruq Mohommed S/o
Islamuddin D/Heirs,
Smt.Hafijanbi Wd/o. Ismail
Uddin & ors. : Appellants.

versus

Shri Umer Yusuf & Anr. : Respondents.

And

The Court Receiver, High Court,
Bombay.

Mr.S.A.Bhagwat for the appellants.
Mr.Kalpesh Kamat i/by Mr.Shaikh for respondents.

CORAM : D.G.DESHPANDE,J.

DATED : 20th September 2005.

ORAL ORDER

1. Not on board. Taken on board at the instance of the appellants. Advocate for the respondents is present. This civil application is filed by the appellants. The Court Receiver has issued a letter dated 29th August 2005 to the appellants for taking possession of the suit premises because the appellants have committed default in making payment of the monthly royalty. The counsel for the respondents contended that there are no default and, therefore, this application can be allowed. Therefore, the Court Receiver not to take the possession pursuant to the said letter dated 29th August 2005. It is clarified that in future if there is any default committed by the appellants in payment of royalty, the Court Receiver will be at liberty to issue similar letter. Civil Application is disposed of.

[D.G.DESHPANDE,J]